

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA MIGUEL PANTOJAS,

Plaintiff,

-against-

STEWART ANN; DR. LINLEY;
LIMEKOOLER; CHAPLAIN,

Defendants.

24-CV-7922 (JGLC)

ORDER OF SERVICE

JESSICA G. L. CLARKE, United States District Judge:

Plaintiff Joshua Miguel Pantojas, who is currently incarcerated in the Cheshire Correctional Institution, a Connecticut state prison located in Cheshire, Connecticut, brings this action *pro se*, raising claims for damages and injunctive relief, and asserting that the defendants violated his constitutional rights while he was incarcerated in the Federal Correctional Institution in Otisville, New York (“FCI Otisville”). In the caption of the complaint, Plaintiff refers to the defendants as “FCI Otisville/Nurse Stewart Ann/Dr. Linley/Sis/Chaplain.” (ECF 1, at 1.) Within the text of his complaint, however, he specifies that he names the following Federal Bureau of Prisons employees as defendants: (1) Stewart Ann, a nurse employed at FCI Otisville; (2) Dr. Linley, a physician employed at FCI Otisville; (3) Correctional Lieutenant Limekooler, the Special Investigative Supervisor (SIS) at FCI Otisville; and (4) FCI Otisville’s Catholic Chaplain. (*Id.* at 3.) The Court understands Plaintiff’s complaint as naming Ann, Linley, Limekooler, and FCI Otisville’s Catholic Chaplain as the defendants in this action. *See* Fed. R. Civ. P. 21.

By order dated October 24, 2024, the court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.¹ The Court directs service on the defendants.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on assistance from the Court and the United States Marshals Service ("USMS") to effect service.² *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the USMS to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on the defendants through the USMS, the Clerk of Court is instructed to fill out a USMS Receipt and Return form ("USM-285 form") for each of the defendants. The Clerk of Court is further instructed to issue summonses for the defendants and deliver to the USMS all the paperwork necessary for the USMS to effect service on the defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

¹ Prisoners are not exempt from paying the full filing fee even, when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

² Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION


The Court directs the Clerk of Court to mail an information package to Plaintiff.

The Court also directs service on Ann, Linley, Limekooler, and FCI Otisville's Catholic Chaplain.

The Court further directs the Clerk of Court to: (1) issue summonses for those defendants; (2) complete USM-285 forms with the service addresses for those defendants, (3) mark the box labeled "Check for service on U.S.A." on the USM-285 forms; and (4) deliver to the USMS all documents necessary to effect service of the summonses and the complaint on those defendants, the Attorney General of the United States, and on the Civil Division of the Office of the United States Attorney for the Southern District of New York.

Dated: December 3, 2024
New York, New York

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

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